

E-FILED on 11/29/07

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TELE ATLAS N.V. and TELE ATLAS
NORTH AMERICA,

Plaintiffs,

v.

NAVTEQ CORPORATION,

Defendant.

No. C-05-01673 RMW

ORDER DENYING NAVTEQ'S MOTION TO
CONTINUE THE NOTICED HEARING
DATE FOR TELE ATLAS' MOTION *IN*
LIMINE

[Re Docket No. 123]

Defendant NAVTEQ Corp. ("NAVTEQ") moves to continue the noticed hearing on plaintiffs Tele Atlas N.V. and Tele Atlas North America's (collectively, "Tele Atlas") motion *in limine*. The court deems the motion appropriate for submission on the papers. *See* Civ. L.R. 7-1(b).

NAVTEQ argues that it will be unduly prejudiced by having to brief and argue Tele Atlas' motion *in limine* on the same date as its own motions for summary judgment. NAVTEQ faults Tele Atlas for not conferring regarding a hearing date prior to noticing the motion, despite the court's standing order to the contrary.¹ NAVTEQ fails to demonstrate *undue* prejudice. Over the course of November, NAVTEQ must file a reply brief and oppose a motion for leave to submit supplemental expert disclosures. Opposing an additional motion *in limine* does not create undue prejudice.

¹ NAVTEQ correctly points out that Tele Atlas' failure to confer before selecting a hearing date violates the terms of the Division's standing order. Nonetheless, it was reasonable of Tele Atlas to assume that November 30 would not cause undue prejudice since NAVTEQ's own motions for summary judgment are on calendar for that date. In its opposition, Tele Atlas points out that NAVTEQ did not consult it before picking November 30 for the summary judgment motions in the first place. The court hopes future disputes of this nature can be resolved informally.

1 Hearing all of the motions in this case at the same hearing creates efficiencies for the parties and the
2 court. Furthermore, on November 8, the court moved the hearing to February 8, 2008, so counsel
3 for NAVTEQ no longer must prepare for argument in addition to briefing.

4 For the foregoing reasons, the court DENIES the motion to continue Tele Atlas' motion *in*
5 *limine*. Tele Atlas' motion *in limine* will be heard with the motion for summary judgment on February
6 8, 2008.

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8 DATED: 11/28/07



RONALD M. WHYTE
United States District Judge

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9 Counsel are responsible for distributing copies of this document to co-counsel that have not registered
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11 **Dated:** 11/29/07

TSF
Chambers of Judge Whyte